

From: Kevin Barth
To: Microsoft ATR
Date: 11/19/01 1:18pm
Subject: Public Comments on the Microsoft Antitrust settlement

Sirs -

I am taking this opportunity to express my extreme dissatisfaction with the proposed settlement of the Microsoft/DOJ antitrust lawsuit.

As a web application programmer and analyst, I have been continually exposed to the effects of Microsoft's extreme monopolistic practices. Microsoft likes to brag about its extreme market share, and they would have us believe that the sole reason for this market share is its creation of well-written, innovative products, which can easily fill the needs of consumers. Unfortunately, having to work with these prematurely released, extremely buggy and inconsistent products, it is obvious to me that if any real competition existed, Microsoft would soon be in the position of having to spend a lot more money tightening up its programs if they are to risk fading into obscurity. It is equally clear that they chose to spend that money eliminating the opposition through grossly unfair marketing and advertising practices rather than improving the quality of the product. I believe that the findings of fact in the trial more than adequately proved this, regardless of any judicial bias which may be claimed.

The proposed settlement is nothing more than a slap on the wrist for Microsoft. It will have neither the effect of punishing them for past misdeeds, nor that of discouraging future ones. There is no public accountability. Because it does nothing to whittle away the vast advantage Microsoft has built for itself over the years, it does nothing to encourage other companies to compete with Microsoft. There is, after all, a huge juggernaut to overcome, and precious few companies have the resources to overcome that barrier. Thus, with no competition, the consumer is left in the same place that he has been all along - lacking alternatives, he will remain with Microsoft because of their foothold.

In short, the proposed settlement actually rewards microsoft for past misdeeds, and ensures that they will continue to profit from them.

It is my sincere hope that this settlement fails, and that the individual states who have relied upon the department of justice to look after their best interests react to this betrayal with lawsuits of their own. No other course of action seems at all likely to bring the sort of justice that the American consumer requires and deserves.

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